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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,359	06/07/2001	Luigi Pace	CM2381	9161
27752 7590 01/29/2007 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL BUSINESS CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			EXAMINER KHAN, AMINA S	
			ART UNIT 1751	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/876,359

Applicant(s)

PACE ET AL.

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 2, 2006 has been entered.

2. All prior rejections are withdrawn.

### ***Oath/Declaration***

3. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application EPO 00870134.4 dated June 19, 2000. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al. (US 6,245,729).

Wei et al. teach heat generating compositions comprising a first solid (column 6, lines 50-60) component containing a peracid precursor, a peroxygen source, a binder, such as a fatty alcohol ethoxylate, which meets the claimed limitation of surfactant, and a chemical heater, such as zeolites, pyrophosphoric acid or inorganic salts, and a second component containing water (abstract; column 11, lines 30-45; column 9, lines 60-67; column 10, lines 1-12). Wei et al. further teach the chemical heater when contacted with the water generates enough heat to produce a 5°C to 25°C increase in local temperature and increases the rate of peracid formation (column 9, lines 29-67; column 10, lines 1-12). Wei et al. further teach that the chemical heater can be triggered by hydrolysis, hydration or acid-base neutralization, such as the combination of sodium hydroxide and citrus acid (column 10, lines 1-11). Wei et al. further teach that the composition may be used as a carpet sanitizer generated on the surface of the substrate (column 14, lines 3-7).

Wei et al. do not teach all the instantly claimed embodiments in a single example.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the instantly claimed components and methods from the teachings of Wei et al. because Wei et al. clearly teach the sanitizing and disinfecting benefits of these compositions when applied to carpets (column 13, lines 58-67; column 14, lines 1-7). One of ordinary skill in the art would have been motivated to modify the teachings of Wei et al. to arrive at the instant invention absent unexpected results.

6. Claims 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wei et al. (US 6,245,729), as applied to the claims above, and further in view of Romano et al. (WO 97/25404).

Wei et al. are relied upon as set forth above.

Wei et al. do not teach sulfosuccinate surfactants.

Romano et al., in the analogous art of carpet disinfection (page 19, paragraph 1), teach non aqueous (page 4, paragraph 3) compositions comprising anionic, zwitterionic, and nonionic surfactants and mixtures thereof (page 7, paragraphs 4 and 5), such as betaines, carboxylates, sulfonates, glycerol sulfonates, glycerol sulfates, sulfosuccinates, sarcosinates, sulfates, and fatty alcohol ethoxylates (page 7, paragraph 6; page 10, paragraph 3 and page 11, paragraphs 1 and 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wei et al. by substituting the surfactants taught by Romano for the fatty alcohol ethoxylates taught by Wei

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because Romano et al. teach the functional equivalence of the anionic, zwitterionic and nonionic surfactants for the benefits of producing compositions with superior carpet disinfection properties. Substituting art recognized equivalents only requires routine skill in the art.

Furthermore, it is prima facie obvious to combine the two compositions, each taught for the same purpose, to yield a third composition for that very purpose. *In re Kerkhoven*, 205 USPQ 1069, *In re Pinten*, 173 USPQ 801, and *In re Susi*, 169 USPQ 423 when ingredients are well known and combined for their known properties, the combination is obvious absent unexpected results. A person of ordinary skill in the carpet disinfecting art would expect combinations of these materials to behave in the same fashion as the individual materials, absent unexpected results.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

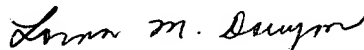
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Amina Khan, PhD  
January 20, 2007

  
**LORNA M. DOUYON**  
**PRIMARY EXAMINER**